

Board of Selectmen Meeting
Tuesday, May 27, 2014
Conference Room A, Town Hall

A meeting of the Rockport Board of Selectmen was held on Tuesday, May 27, 2014 in Conference Room A at 7pm. Present were five selectpersons, the Town Administrator and the Asst. to the Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence: Chairperson Wilkinson stated that Rockport has lost two great citizens this week. Library Director, Hope Coffman, and John Sparks who contributed greatly to the Millbrook Meadow Committee; she asked that they be remembered during this moment of silence.

Approval of Minutes of May 13, 2014: Selectperson Murphy moved that the Board of Selectmen approve the minutes of May 13, 2014, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Lucas abstained as she was not present at the 5/13/14 meeting.

Approval of
5/13/14 minutes,
Motion Approved

7:20 Alcohol License Hearing – Brackett’s Oceanview: Selectperson Battistelli moved that the Board open an Alcohol License Hearing to hear public comments pertaining to Brackett’s Oceanview Restaurant’s application to change the corporate name, structure, management and premises on its Seasonal Alcohol License, Selectperson Murphy seconded, Vote: 5-0.

Opening of
Alcohol License
Hearing,
Brackett’s
Oceanview
Motion Approved

Chairperson Wilkinson read the public notice that was in the newspaper regarding the public hearing.

Charlie Brackett, 229 Main Street, owner of Brackett’s Oceanview was in attendance. He said they are planning on tearing down the walls between the coffee shop and the restaurant, like it was years ago. He is bringing his sons into the business. He said the serving area doesn’t change, but some storage areas change. He said it will be more efficient running one business, not two. There is no change to the serving of alcohol.

Closing of Alcohol
License Hearing,
Brackett’s
Oceanview
Motion Approved

Selectperson Sheedy moved that the Board of Selectmen close the Public Hearing, Selectperson seconded, Vote: 5-0.

Selectperson Lucas moved that the Selectmen approve Brackett’s applications to the Alcoholic Beverages Control Commission to reflect its corporation changes and alterations to the permits; Selectperson Murphy seconded, Vote: 5-0.

Approve
Brackett’s
applications to the
ABCC to reflect
name changes and
alterations
Motion Approved

Interview of David Kearns for the Personnel Board: Selectperson Murphy moved that the Board nominate David Kearns as a member of the Personnel Board for a three year term to expire on June 30, 2017, Selectperson Sheedy seconded, no vote, vote will be taken at next meeting. D. Kearns said this is his 3rd appointment; he’s been on this five member board for 9 years. D. Kearns said the Personnel Board spends its time on non-

Interview of David
Kearns for
Personnel Board
No vote taken

union employee issues, reviewing regulations, handling grievances, reviewing compensation surveys and they participate in the annual performance evaluation process. He said they generally meet once a month unless more often is necessary.

Interview of Suzan Galpin for Economic Development Committee
No vote taken

Interview of Suzan Galpin for the Economic Development Committee: Selectperson Battistelli moved that the Board nominate Suzan Galpin as a member of the Economic Development Committee for a one year term to expire on June 30, 2015, Selectperson Murphy seconded.

No vote taken; this will be an item on the next agenda. S. Galpin said she owns the Sally Webster Inn. This is their fourth season. She's been attending meetings of the Economic Development Committee since January. She said marketing is the most pressing issue for Rockport's economy.

Interview of Phil Morrow for the Rights of Way Committee
No vote taken

Interview of Phil Morrow for the Rights of Way Committee: Selectperson Sheedy moved that the Board nominate Phil Morrow as a member of the Rights of Way Committee for a three year term to expire on June 30, 2017, Selectperson Murphy seconded, no vote taken; vote will be at next meeting.

P. Morrow said he has lived in Rockport for about three years, and has attended about six meetings of the Rights of Way. He said he does a lot of hiking and has a little bit more free time now to contribute to the town.

Nomination of Aileen Morrissey to Millbrook Meadow Committee
No vote taken

Nomination of Aileen Morrissey to the Millbrook Meadow Committee: Selectperson Murphy moved that the Board of Selectmen nominate Aileen Morrissey as a member of the Millbrook Meadow Committee for a one year term to expire on June 30, 2015, Selectperson Sheedy seconded. Selectperson Battistelli left the room as she is related to Aileen Morrissey.

Aileen has lived here for 45 years; she works full time at Gorton's. She said twenty years ago was member of the Millbrook Meadow Committee, she has more time now that her children are older. This was moved up with other appointments from the Action List section. 7:30 pm, no vote tonight, vote will be at next meeting.

Selectmen Updates and Liaison Reports

Selectmen Updates and Liaison Reports:

Swimming Lessons for kids on beach

- Selectperson Lucas said swimming lessons for kids ages 3-10 will be available at the beach; they will need 30-40 students to be able to hold the classes. The cost is \$90 for six weeks; they meet three times each week, on Monday and Friday mornings and Wednesday afternoons. There will be some scholarships for those that cannot afford the cost.

Semi-Annual IS&T and School Joint meeting

- Chairperson Wilkinson said the semi-annual IS&T and school joint meeting went well. She said it is more efficient to run one department rather than two. The Town Administrator said she was in the data center today; she said the servers are there but not all racks are in; they're rebuilding the servers. Fiber optics have been laid between buildings, Cat 6 cables are in, just received contract for school alarms and phone systems, financial management system is underway at the same time. Staff at the school can now all talk to each other if there is no power and they can also talk to the police.
- Selectperson Murphy said the Memorial Day Parade was a very nice event.

Public Comment Period:

Public Comment
Period:

- T. Arsenian, 95 Granite Street, said he would like to speak on the appointment policy and the banner policy when they come up on the agenda. He said parking meters were discussed at the workshop meeting. He said the town needs to have protocols on paying bills and who authorizes payments; this protocol/policy should be distributed to applicable town depts. The Town Administrator said the treasurer is the only authorized signature. She said the Dept. of Revenue authorizes the process as well as Chapter 44, Municipal Finance Laws. She said there are laws that prohibit paying for products and services prior to delivery; this was a very visible mistake. We have checks and balances in place, financial controls; we need to get the financial procedures out to staff to remind them about the laws. Services must have been provided unless progress payments have been arranged. There are safeguards in place and unfortunately they did not work in this instance. T. Arsenian said at the last meeting with the reorganization of the Board of Selectmen, Selectperson Murphy spoke about Long Beach with assumptions that were not correct. He said Selectperson Murphy then complained about the GDT coverage. T. Arsenian said it would help if all Rockport news could be printed on one page. He asked if the Board of Selectmen would invite Ray Lamont to a meeting. Selectperson Murphy said this is not a Rockport problem, it's national. They have one reporter who handles the whole area. Chairperson Wilkinson said she would be happy to mention it to Ray when she speaks with him. Bonnie Barrish, 88 Pleasant St., Gloucester, said she is wondering if a member of the Board of Selectmen or someone in the audience would volunteer to write up a report and send it to the times after each meeting. Chairperson Wilkinson said we have minutes of every meeting and they are available. Frederick Tarr, 154 Main Street, said there is a MAPC meeting tomorrow, on town/state relationships, he asked if the Board of Selectmen or the Town Administrator has any suggestions. Selectperson Battistelli commented on T. Arsenian's comments where he asks the board, during a meeting, to take a specific action. She said she would prefer it if he didn't demand something at a meeting. J. Ring, Poole's Lane, said he agrees that reporters call with little to no notice. And he wanted to clarify something during the alcohol hearing. He said in his opinion there was a conflict of interest; the regulations changed and there should have been more than a two week period. Chairperson Wilkinson said that is J. Ring's personal opinion. T. Arsenian said he doesn't demand answers, he asks for answers. He said it is inconsistent whether the board responds or doesn't respond to questions asked at meetings.

Town Administrator's Report:

Town
Administrator's
Report

- COA activity. There is a bus trip planned to Portland, ME, with a boat trip and lunch, they have filled the second tour bus, 90 people per bus and they may fill a third bus. The program is very busy.

COA Activity

Tax Title Properties

- The Town Administrator said M. Vieira took antique dealers to visit the three properties, two more will tour them. They will be providing estimates of anything they’re interested in. These are public properties and we are responsible to get the most amount of money back to the public. Selectperson Sheedy said previously it was stated at a meeting that we can’t list the properties for sale and we would need to have a public auction. The Town Administrator said she wanted to investigate a possible exception to this issue and will bring more information back to the board. Selectperson Lucas said she is interested in learning more about the process and the difference between a closed auction (sealed bid) and an open auction; she said she would like to know which is more common and which is more fruitful.

8:50 Action List

Action List:

Yearend Transfers: Selectperson Lucas moved that the Board of Selectmen approve the Year End transfers as follows:

Yearend Transfers
Motion Approved

Amount	From	To
\$ 270.00	Annual Audit	IT Travel & Meetings
\$ 101.06	Annual Audit	IT Classroom Hardware
\$ 116.00	Annual Audit	Forest Fire Vehicle Maintenance
\$ 35.25	Annual Audit	Forest Fire Vehicle Supplies
\$ 2.41	Annual Audit	Ambulance Safety Equipment
\$2,230.00	Annual Audit	Recreation Director Salary
\$ 62.28	Annual Audit	Recreation Training & Development
\$ 196.00	Annual Audit	Recreation Communication Services
\$2,050.46	Annual Audit	Thacher Island Purchase of Services

Selectperson Battistelli seconded, Vote: 5-0.

Appointment of
Elizabeth Dailey to
Finance Committee
Motion Approved

Appointment of Elizabeth Dailey to the Finance Committee: Selectperson Murphy moved that the Board of Selectmen appoint Elizabeth Dailey as a member of the Finance Committee for a three year term to expire on May 1, 2017, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Lucas abstained as she was not present for the interview at the last meeting.

Appointment of
Thacher Island Keepers
Motion Approved

Appointment of Thacher Island Keepers: Selectperson Sheedy moved that the Board of Selectmen appoint Wayne and Anita Smith as Thacher Island Keepers for the 2014 summer season, Selectperson Murphy seconded, Vote: 5-0.

Personnel Board
Position Adjustment
Asst. Town
Administrator
Motion Approved

Personnel Board Position Adjustment: Board’s recommendations to approve the revised job description of the Assistant to the Town Administrator, to change the position level from Grade 2 to Grade 3 with no change in salary, and to change the title to Assistant Town Administrator, Selectperson Murphy seconded, Vote: 5-0.

Permission to hold
“Show You Care event”
Motion Approved

Permission to hold “Show You Care Event”: Selectperson Murphy moved that the Board of Selectmen grant permission to the Rockport Police Department and the Council on Aging to hold their annual “Show You Care Event” on Saturday, June 14,

2014 from 9 am to 12 noon at Five Corners in recognition of World Elder Abuse Awareness Day, Selectperson Sheedy seconded, Vote: 5-0.

Rockport Music Festival Banners: Selectperson Battistelli moved that the Board of Selectmen grant permission to Rockport Music to post its banners along Main Street from June 4th to July 14th for its 33rd Annual Rockport Chamber Music Festival, Selectperson Sheedy seconded, Vote: 5-0.

Rockport Music
Festival Banners
Motion Approved

T. Arsenian said the banners are not necessary. Selectperson Murphy said the signs are tastefully placed, other towns do it, and these events bring revenue into the town.

SoftRight Financial Management System Agreement: Selectperson Sheedy moved that the Board of Selectmen approve, and ask the Chairperson to sign, a Software and Services Agreement with SoftRight, LLC of 234 Littleton Road in Westford, Massachusetts to provide its Software Licenses and related Professional Services for a price not to exceed \$261,180 and annual maintenance fees of \$7,500 for hosting services and an estimated amount of \$56,000 for annual support services, Selectperson Murphy seconded, Vote: 5-0.

SoftRight
Financial
Management
System Agreement
Motion Approved

Essex County Inter Agency Police Agreement: Selectperson Lucas moved that the Board of Selectmen approve, and ask the Chairperson to sign, an Inter-Agency Mutual Aid Agreement that sets forth terms and conditions for furnishing law enforcement mutual aid to, and exercise police authority within, other law enforcement agencies in Essex County in need of public safety support, Selectperson Murphy seconded, Vote: 4-1, Selectperson Sheedy opposed.

Essex County
Inter-Agency
Police Agreement
Motion Denied

Selectperson Murphy moved to rescind the prior vote on Essex County Inter Agency Police Agreement, seconded by Selectperson Lucas, Vote: 5-0.

J. Ring, Poole's Lane, questioned the interagency agreement, he asked about the funding jurisdiction, and who's paying for what. The Town Administrator said it's very clear in the contract, Rockport pays for its personnel and other communities pay for their personnel. She said other police powers would have power in Rockport and Rockport personnel would have police powers in other communities. This will be investigated more and discussed at a subsequent meeting.

Long Beach Lease Address Change: Selectperson Murphy moved that the Board of Selectmen approve a change of lease address for 26 Old County Road cottage owner, Susan Siebeking, from 43 Ashland Street, Melrose, Massachusetts to 63 Outlook Road, Wakefield, Massachusetts and to sign a Long Beach Lease to reflect this change, Selectperson Sheedy seconded, Vote: 5-0.

Long Beach Lease
Address Change
26 Old County
Road
Motion Approved

Street Performer Policy Revision: Selectperson Battistelli moved that the Board of Selectmen revise its Street Performer Policy, number 20-11 by modifying the times that street performers can perform by restricting the performer to three consecutive hours of performing time, once per day on one weekday and one weekend day, Selectperson Murphy seconded, Vote: 5-0.

Street Performer
Policy Revision
Motion Approved

Selectperson Battistelli moved that the Board of Selectmen revise its Street Performer Policy #20-11 by modifying the performance locations for the month of June, 2014 to include the end of Bearskin Neck, the island at Dock Square, Donovan's Corner, the intersection of Bearskin Neck Road and Middle Street, and other locations as authorized by the Board of Selectmen, seconded by Selectperson Murphy, Vote: 5-0.

Action List (con't)

Selectperson Battistelli moved that the Board of Selectmen revise its Street Performer Policy #20-11 by adding the restriction to not allow any pre-recorded background music, Selectperson Murphy seconded, Vote: 5-0.

Street Performer Policy
Revision (con't)

The issue of amplification will be decided at a subsequent meeting. After the month of June, street performers can contact Town Hall to see if any changes were made or they can attend a July meeting of the Board of Selectmen where this is an agenda item to learn about any changes.

Selectperson Battistelli said the policy was adopted in 1997 and revised in 2007 and 2012. Proposed changes are: on page 2, performance locations, that we eliminate the end of Bearskin Neck, add Donovan's Corner, right near Tuna Wharf, and add the intersection of Bearskin Neck Road and Middle Street and other locations approved. Change in times: currently Mon through Sat between 10am and 9pm, and Sunday between noon and 9pm, proposed changes are: may perform a maximum of 3 consecutive hours, on one weekend day and one weekday. Other restrictions, no performer may generate excessive musical or other noise as to create a public nuisance (excluding artists and craftsman); amplification or recorded back-up music is not allowed.

Bonnie Barrish, Gloucester, said she brings a piano out there, and would like to perform for four hours.

David Zeserson, 16 Beach Street, Bearskin Neck, said he sings and plays acoustic guitar. He said he thinks these changes would eliminate the opportunity for him to do this.

Nate Weaver, Sandy Bay Terrace, said an amplifier has three parts, he is appreciative of more locations, but said all of these things are amplifiers. He recommends keeping it below a certain decibel.

Simon Zaslavsky, 22 Chatham Street, Lynn, said he has been performing in Rockport since 1994, he plays the violin and it cannot be heard without amplification. He said in Cambridge the decibel meter was higher for vehicles than for musical instruments. He's been performing at the end of Bearskin Neck for over 19 years; he said it is a perfect location for street performers. He said they turn their speakers toward the ocean.

Dora Tevan, South Street, said there are two positive areas and two challenging areas. This will be a hornet's nest with decibel limits. This is a small island community in a public square. We really need to level the playing field for all performers, but change is hard. Maybe consider this a trial year; the new locations are intimate. She likes the new locations, but two concerns are: 1) can people who run a business have their own private performers, it's a free-for-all and unless there's a problem, just because it's their store. 2) CORI checks should be conducted every year.

David Williams, 188 Granite St., said with the piano there is no choice about amplification.

S. Zaslavsky said what about a trumpet player; that would be much louder than an amplified violin.

Street Performer
Policy Revision
(con't)

Chairperson Wilkinson said initially no amplification was allowed, and then one-by-one we heard from performers that they needed it and before long it's everywhere.

Selectperson Battistelli said the time of three hours maximum is reasonable.

Selectperson Lucas said she hasn't experienced any negativity around street performers. Selectperson Murphy said he thinks amplification should be allowed; and they should be able to play at the top of the neck. He said he is not in favor of taking any serious steps here. Selectperson Lucas questioned if we enforce the \$100 fine.

Appointment Policy Revision: Selectperson Sheedy moved that the Board of Selectmen revise its Appointment Policy, number 10-05 by modifying #5 Reappointments as documented in the policy revision dated May 27, 2014, Selectperson Murphy seconded, Vote: 5-0.

Appointment
Policy Revision
Motion Approved

T. Arsenian, 95 Granite Street, said this is an improvement. Is it required that they attend at least one meeting but preferably it should be two.

Fireworks Concessions: Selectperson Lucas moved that the Board of Selectmen limit the number and type of concessions permitted at the Fireworks Events in Rockport to two food concessions and two novelty concessions and assign specific locations for the two food concessions with one at Back Beach and one at the end of Front Beach before the public restrooms, Selectperson Murphy seconded,

Fireworks
Concessions
Motion Approved

Vote: 5-0.

Selectperson Lucas inquired if the Board of Health was consulted regarding this issue.

Eden Road Betterment Abatements: Selectperson Murphy moved that the Board of Selectmen approve the Eden Road Abatements of Betterments as recommended by the DPW Director in his memo dated May 22, 2014 and his attached list of property owners that documents the reasons for granting each abatement; Selectperson Sheedy seconded, Vote: 4-0. Selectperson Murphy stepped out of the room and wasn't present for the vote.

Eden Road
Betterment
Abatements
Motion Approved

J. Parisi said there are ten abatement applications, the reasons are similar, one was vacant land, the rest are in a condominium complex; there are nine cottages that sit behind the main house. These nine unit owners gain access through Oaks Lane, not Eden Road. The betterment amount will be a 10% evaluation of a buildable lot or \$386.50 each. One lot is not buildable, so abatement is appropriate.

9:45 Selectmen Briefing

Parking Meters – it has been reported that they are working better; an update should be obtained from Officer Tibert.

Selectmen Briefing
Parking Meters

Other Business/Announcements: Chairperson Wilkinson said Waring Field was given with the restriction of passive use. She said they certainly wanted people to enjoy the field. On Landmark Lane there may be a lot appropriate for gardens.

9:50 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy,
Vote: 5-0.

Charlie Brackett said it may be worthwhile to talk to an acoustic engineer about measuring decibel levels outside, regarding the Street Performer License revisions.

Warrant Signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 5/29/14 in the amounts of \$488,811.78 and \$537,122.70 respectively.

Items Signed:

Artesano's, Outdoor Display
ABBC, Brackett's Oceanview
The Blue Lantern, Outdoor Display
Lease Agreement, Siebeking
SoftRight, LLC